

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                                |   |                           |
|--------------------------------|---|---------------------------|
| WILLIE MCNAIR,                 | ) |                           |
|                                | ) |                           |
| Plaintiff/Counter-Defendant,   | ) |                           |
|                                | ) |                           |
| v.                             | ) | No. 2:06-cv-00695-WKW-CSC |
|                                | ) |                           |
| RICHARD ALLEN, Commissioner,   | ) |                           |
| Alabama Department of          | ) |                           |
| Corrections, et al.,           | ) |                           |
|                                | ) |                           |
| Defendants/Counter-Plaintiffs. | ) |                           |

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|                                |   |                           |
|--------------------------------|---|---------------------------|
| JAMES CALLAHAN,                | ) |                           |
|                                | ) |                           |
| Plaintiff/Counter-Defendant,   | ) |                           |
|                                | ) |                           |
| v.                             | ) | No. 2:06-cv-00919-WKW-CSC |
|                                | ) |                           |
| RICHARD ALLEN, et al.,         | ) |                           |
|                                | ) |                           |
| Defendants/Counter-Plaintiffs. | ) |                           |

**DEFENDANTS' NOTICE OF FILING**

Defendants Richard Allen, Commissioner, and Grantt Culliver, Warden, give notice of filing the attached correspondence dated this same date from Governor Bob Riley to Commissioner Richard Allen, concerning the execution of Thomas Arthur. Defendants make this filing immediately upon receipt to bring it to the Court's attention, and reserve the right to comment further upon the matter as may be appropriate.

Respectfully submitted,

**TROY KING (KIN047)  
ATTORNEY GENERAL  
BY:**

**s/ James W. Davis**

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**CERTIFICATE OF SERVICE**

This is to certify that on the 27<sup>th</sup> day of September, 2007, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will electronically send a copy of the same to the following:

Randall S. Susskind

Cathleen I. Price

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BOB RILEY  
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## STATE OF ALABAMA

September 27, 2007

Mr. Richard F. Allen, Commissioner  
Alabama Department of Corrections  
AL Criminal Justice Complex  
301 South Ripley Street  
Montgomery, Alabama 36130

Dear Commissioner Allen:

By my authority under Amendment 38 to the Alabama Constitution, I hereby grant a reprieve of 45 days to Thomas D. Arthur, who is scheduled for execution on this date. The sole purpose of this reprieve is to allow the Alabama Department of Corrections sufficient time to make modifications to its lethal injection protocol. It is my desire that the Alabama Attorney General will make a motion for, and that the Alabama Supreme Court will promptly set, a new date of execution at the expiration of this 45-day period.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Riley", is written over a large, stylized flourish that extends from the signature down towards the printed name below.

Bob Riley  
Governor

BR/rdg

cc: United States Supreme Court  
Alabama Supreme Court  
Alabama Attorney General Troy King  
Suhana S. Han, Esquire